Case 1:13-cv-06573-KBF Document 25-2 Filed 02/14/14 Page 2 of 23 Case 1:13-cv-06573-KBF Document 4 Filed 10/01/13 Page 1 of 1

STATE OF NEW YORK UNITED STATES DISTRICT COURT DISTRICT: EASTERN DIVISION

COUNTY OF QUEENS

INDEX#:

CV13-6573

Date Filed:

September 17, 2013

LIANG HUO

VS.

Plaintiff(s)/Petitioner(s)

GO SUSHI GO 9 TH AVE INC, CHI HANG LEWING . TONY CHAN, JOHN DOE & JANE DOE

GUS	USHI GO Y III II ZII C					Defendant(s)/Re	espondent(s)
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				Invoice/	Work Order #	0300003	

U.S. District Court Southern District of New York (Foley Square) CIVIL DOCKET FOR CASE #: 1:13-cv-06573-KBF

Huo v. Go Susho Go 9th Ave. Inc. et al Assigned to: Judge Katherine B. Forrest Cause: 29:201 Fair Labor Standards Act Date Filed: 09/17/2013 Jury Demand: Plaintiff

Nature of Suit: 710 Labor: Fair Standards

Jurisdiction: Federal Question

Plaintiff

Liang Huo

represented by Jian Hang

Hnag & Associates, PLLC 136-18 39th Avenue Suite 1003

Flushing, NY 11354 (718)-353-8588

Fax: (718)-353-6288

Email: jhang@hanglaw.com ATTORNEY TO BE NOTICED

V.

Defendant

Go Susho Go 9th Ave. Inc.

Defendant

Chi Hang Lewing

Defendant

Tony Chan

Defendant

John Doe

Defendant

Jane Doe

Date Filed	#	Docket Text
09/17/2013		COMPLAINT against Tony Chan, Jane Doe, John Doe, Go Susho Go 9th Ave. Inc., Chi Hang Lewing. (Filing Fee \$ 350.00, Receipt Number 1076964)Document filed by Liang Huo.(laq) (Entered: 09/19/2013)

09/17/2013	5	:13-cv-06573-KBF Document 25-2 Filed 02/14/14 Page 4 of 23 SUMMONS ISSUED as to Tony Chan, Jane Doe, John Doe, Go Susho Go 9th Ave. Inc., Chi Hang Lewing. (laq) (Entered: 09/19/2013)
09/17/2013	1	Magistrate Judge Frank Maas is so designated. (laq) (Entered: 09/19/2013)
09/17/2013	(Case Designated ECF. (laq) (Entered: 09/19/2013)
09/19/2013		NOTICE OF CHANGE OF ADDRESS by Jian Hang on behalf of Liang Huo. New Address: Hang & Associates, PLLC, 136-20 38th Avenue, Suite 9E, Flushing, NY, 11354,. (Attachments: # 1 certificate of service)(Hang, Jian) (Entered: 09/19/2013)
09/23/2013		ORDER: It is hereby ORDERED that: 1. Lead counsel for all parties shall appear for an initial pretrial conference ('IPTC") promptly at 1:30 p.m. on November 4, 2013 as further set forth in this order. 2. At least four business days prior to the IPTC, the parties shall jointly submit a proposed schedule in accordance with the form available at http://www.nysd.uscourts.gov/judge/Forrest. 3. Counsel shall consult the Court's Individual Practices in Civil Cases (available at http://www.nysd.uscourts.gov/judge/Forrest) and comply with all other requirements for the IPTC. See Rule 4.B. Initial Conference set for 11/4/2013 at 01:30 PM before Judge Katherine B. Forrest. (Signed by Judge Katherine B. Forrest on 9/23/2013) (lmb) (Entered: 09/23/2013)
10/01/2013	4	SUMMONS RETURNED EXECUTED. Go Susho Go 9th Ave. Inc. served on 9/17/2013, answer due 10/8/2013. Document filed by Liang Huo. (Hang, Jian) (Entered 10/01/2013)
10/01/2013	5	SUMMONS RETURNED EXECUTED. Chi Hang Lewing served on 9/19/2013, answer due 10/10/2013. Document filed by Liang Huo. (Hang, Jian) (Entered: 10/01/2013)
10/01/2013	6	SUMMONS RETURNED EXECUTED. Tony Chan served on 9/19/2013, answer due 10/10/2013. Document filed by Liang Huo. (Hang, Jian) (Entered: 10/01/2013)
10/01/2013	7	SUMMONS RETURNED EXECUTED. John Doe served on 9/19/2013, answer due 10/10/2013. Document filed by Liang Huo. (Hang, Jian) (Entered: 10/01/2013)
10/01/2013	8	answer due
10/23/2013	9	Entered:
11/04/2013	10	to the least not yet appeared in this action, the Court hereby
12/17/2013	11	and the second services by scheduled for January 10, 2014 is hereby

		1:13-cv-06573-KBF Document 25-2 Filed 02/14/24 Percent Septo 31/9/2014 at rescheduled to January 9, 2014 at 11:30 A.M. (Millian Conference Septo 31/9/2014 at 11:30 AM before Judge Katherine B. Forrest.) (Signed by Judge Katherine B. Forrest on 12/17/2013) (mro) (Entered: 12/17/2013)
12/18/2013	12	NOTICE OF CHANGE OF ADDRESS by Jian Hang on behalf of Liang Huo. New Address: Hang & Associates, PLLC, 136-18 39th Avenue, Suite 1003, Flushing, New York, 11354, 7183538588. (Attachments: # 1 certificate of service)(Hang, Jian) (Entered: 12/18/2013)
12/20/2013	13	REQUEST TO ENTER DEFAULT against Go Sushi Go 9th Ave. Inc., Chi Hang Lewing, Tony Chan. Document filed by Liang Huo. (Attachments: # 1 Affirmation, # 2 Text of Proposed Order, # 3 Certificate of Service)(Hang, Jian) (Entered: 12/20/2013)
01/09/2014	14	ORDER: On January 9, 2014, an initial pretrial conference was scheduled to occur in the above-referenced matter. Defendants failed to appear, nor have they entered a notice of appearance in this action. Accordingly, if plaintiff desires to pursue a default judgment against defendants, plaintiff shall obtain a Certificate of Default from the Clerk of Court as soon as is practicable. Plaintiff shall then file a motion for default judgment in compliance with the undersigned's individual practices. Should plaintiff fail to pursue a default in a timely fashion, the Court will dismiss this action for failure to prosecute. (Signed by Judge Katherine B. Forrest on 1/9/2014) (mro) (Entered: 01/09/2014)
01/10/2014	15	GERMANICATE OF DEFAULT as to Go Susho Go 9th Ave. Inc., Chi Hang
02/04/2014	16	ORDER: Accordingly, the Court hereby DISMISSES this action for failure to prosecute without prejudice to re-file on or before February 18, 2014. After that date, the action shall be DISMISSED WITH PREJUDICE. The clerk of court is hereby directed to terminate this action. (Signed by Judge Katherine B. Forrest on 2/4/2014) (lmb) (Entered: 02/04/2014)
02/05/2014	17	2014 re: Order. Document filed by Liang Huo.(Hang, Jian) (Entered: 02/03/2014)
02/06/2014	18	MEMO ENDORSEMENT on re: 17 Letter filed by Liang Huo. ENDORSEMENT: Ordered: Application granted. The Clerk of Court shall reopen this matter. Plaintiffs have until 2/10/14 to file a proper motion for default (following this Judge's Individual Rules). Motions due by 2/10/2014.) (Signed by Judge Katherine B. Forrest on 2/6/2014) (mro (Entered: 02/06/2014)

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Case 1:13-cv-06573-KBF Document 25-2 Filed 02/14/14 Page 7 of 23 Case 1:13-cv-06573-KBF Document 5 Filed 10/01/13 Page 1 of 1

STATE OF NEW YORK UNITED STATES DISTRICT COURT DISTRICT: EASTERN DIVISION

COUNTY OF QUEENS

INDEX#:

CV13-6573

Date Filed:

September 17, 2013

LIANG HUO

WS

Plaintiff(s)/Petitioner(s)

GO SUSHI GO 9 TH AVE INC, CHI HANG LEWING . TONY CHAN, JOHN DOE & JANE DOE

											Defendant(:	s)/Respondent(s)
					- 22							SERVICE
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Case 1:13-cv-06573-KBF Document 25-2 Filed 02/14/14 Page 9 of 23 Case 1:13-cv-06573-KBF Document 6 Filed 10/01/13 Page 1 of 1

STATE OF NEW YORK UNITED STATES DISTRICT COURT DISTRICT: EASTERN DIVISION

COUNTY OF QUEENS

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CV13-6573

Date Filed:

September 17, 2013

LIANG HUO

vs

Plaintiff(s)/Petitioner(s)

		Defendant(s)/Respondent(s)
	22 01/5510 00	AFFIDAVIT OF SERVICE
	EW YORK, COUNTY OF QUEENS, SS.: ENNETH BARNES , being duly sw	orn deposes and says: Deponent is not a party herein, is over 18 years
	sides in New York State. On September 19,	2013 at 3;10PM ,
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at	SUMMON	S IN A CIVIL ACTION
		Defendant therein named.
on:	TONY CHAN	, Definant
	for the said recipient the	rsonally; deponent knew the person served to be the person described as said person
1 INDIVIDUAL	By delivering a true copy of each to said recipient po	ovine), eve
	therein.	personally, deponent knew the person so served to
ORPORATION	By delivering thereat a true copy of each to the	of the corporation, and authorized to accept service on behalf of the corporation.
3 SUITABLE	CH	RIS DOE //REFUSED NAME a person of suitable age and discretion.
AGE PERSON	Said premises is recipient's: [X] actual place of bus	iness [] dwelling house (usual place of abode) within the state.
	of each to the dear of each of	emises, which is recipient's: [] actual place of business [] dwelling house
#4 AFFIXING TO DOOR	Inlace of abode) within the state.	
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	and custody of the United States Post Office in the	
6 DESCRIPTION	N A description of the Defendant, or other person set	ved, or spoken to on behalf of the Defendant is as follows: Color of hair: Black Age: 21 - 35 Yrs. Height: 5' 4" - 5' 8"
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8 MILITARYSRV	/C Deponent asked person spoken to whether the re-	siplent was presently in military service of the United States Government or of the State of the
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Case 1:13-cv-06573-KBF Document 25-2 Filed 02/14/14 Page 11 of 23 Case 1:13-cv-06573-KBF Document 7 Filed 10/01/13 Page 1 of 1

STATE OF NEW YORK UNITED STATES DISTRICT COURT DISTRICT: EASTERN DIVISION

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LIANG HUO

VS

Plaintiff(s)/Petitioner(s)

GO SUSHI GO 9 TH AVE INC. CHI HANG LEWING. TONY CHAN, JOHN DOE & JANE DOE

GU	SUSHI GO 7 III II. Z			De	itendent(s)/Respondent(s)
				AFFIDAV	IT OF SERVICE
STATE OF NE	W YORK, COUNTY OF	QUEENS, SS.:	and sour Der	ponent is not a party herein	
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2 CORPORATION	the		of the corporation, and a		
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#4 AFFIXING TO DOOR	Inlane of shode) within the	State.			
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	Deponent was unable, with	due diligence to find recipient	or a person or donesie	at	
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			moleted service by depos	siting a true copy of each docu	ment to the above address
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/use with #1, 2 or 3	Weight: 161 - 200 Lbs.	Other Features: Glass			
		and I or traveling expenses V	vere paid (tendered) to the	ne recipient.	
#7 WIT. FEES					Government or of the State
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Case 1:13-cv-06573-KBF Document 25-2 Filed 02/14/14 Page 13 of 23 Case 1:13-cv-06573-KBF Document 8 Filed 10/01/13 Page 1 of 1

STATE OF NEW YORK UNITED STATES DISTRICT COURT DISTRICT: EASTERN DIVISION

COUNTY OF QUEENS

INDEX #:

CV13-6573

Date Filed:

Invoice/ Work Order # 0300003

September 17, 2013

LIANG HUO

Plaintiff(s)/Petitioner(s)

GO SUSHI GO 9 TH AVE INC. CHI HANG LEWING . TONY CHAN, JOHN DOE & JANE DOE

GOL	SUSHI GO Y III AVE IIV				D	efendant(s)/Respondent(s)
					AFFIDA\	IT OF SERVICE
STATE OF NE	W YORK, COUNTY OF QUI	EENS, SS.:		save: Denoner	t is not a party herei	n, is over 18 years
KE	ENNETH BARNES				it to that a party	
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on:	J	ANE DOE				
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ORPORATION	the		of the corpora	ition, and authoriz		n behalf of the corporation.
3 SUITABLE		a. IDI	S DOE/REFUS	ED NAMME	a person of sui	table age and discretion.
AGE PERSON	By delivering a true copy of each			elling house (usu	al place of abode) with	in the state.
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4 AFFIXING TO DOOR	By affixing a true copy of each (place of abode) within the stat	e.				
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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	ELECTRONICALLY FILED DOC#:
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LIANG HUO	En Thomas
Plaintiff,	
	1:13 Civ. 06573 (KBF)
- against -	CLERK'S CERTIFICATE
GO SUSHI GO 9TH AVE.	CLERK'S CERTIFICATE
INC. et al Defendant.	
х	
I, RUBY J. KRAJICK, Clerk of the Unite	d States District Court for
the Southern District of New York, do hereby certify tha	t this action commenced on
September 17, 2013	
with the filing of a summons and complaint, a copy of the Go Susho Go Amp on defendant by serving upon a suitable age person	we loc. Chi Hong Lewing, Ton
on defendant by serving	and property and proof of
(STATE SPECIFICALLY HOW SERVICE WAS MAIL	DE ON DEPENDANT), and proof of
such service thereof was filed on October 1, 2013	
I further certify that the docket entries indicate that the	defendant has not filed an
answer or otherwise moved with respect to the complain	nt herein. The default of the defendant is
hereby noted.	
Dated: New York, New York	
RI	UBY J. KRAJICK Clerk of Court
B	y: Surabe No bile

SDNY Web 5/2010

HANG & ASSOCIATES, PLLC

ATTORNEYS AT LAW 136-20 38th Avenue, Suite 9E Flushing, New York 11354

JIAN HANG, ESQ. Tel: (718) 353-8588 Cell: (718) 350-9308 Fax: (718) 353-6288 Email: jhang@hanglaw.com

February 10, 2014

DAMAGES CALCULATION

Plaintiff was employed by the Defendants as a delivery man from March 1, 2013 to August 30, 2013 and was paid \$970 per month. His weekly salary is about \$223.85 per week. (\$970x12/52=\$223.85). He works about 55 hours per week with 15 hours of overtime per week. He also works more than 10 hours from Monday through Friday every workweek, therefore is entitled to 5 hours of hourly minimum wage of \$7.25. Plaintiff spent about \$10 per month on maintenance and repair.

Minimum wage and overtime back-pay.

From March 1, 2013 to August 30, 2013, the minimum wage is \$7.25 under both federal and state law. The minimum wage and overtime Plaintiff should have got per week is \$7.25 x (40+15x1.5)=\$453.13. Plaintiff was paid \$223.85 per week; therefore, he is owned \$229.28 per week for his back pay. There are 26 weeks from March 1, 2013 to August 30, 2013, therefore, the total amount owned to Plaintiff for this period is \$5,961.28=\$229.28x26.

The total amount of minimum wage and overtime back-pay to Plaintiff is \$5,961.28=\$229.28x26.

Minimum wage and overtime liquidated damages under FLSA.

\$5,961.28=5,961.28x100%.

III. Minimum wage and overtime liquidated damages under New York State law.

\$5,961.28=5,961.28x100%.

Spread of Hours under New York State law.

\$942.50=\$7.25x5x26 (26 weeks from March 1, 2013 to August 30, 2013, 5 days a week, which a minimum of \$7.25 per hour)

Reimburse expenses relating to tools of the trade.

\$60=\$10x6(6 months from March 1, 2013 to August 30, 2013)

Default Judgment Motion February 10, 2014 Page 2

VI. Failure to provide notices and statements under New York law.

\$3,900=\$50x26 +\$100x26 (26 weeks, \$50 per week for failure to provide written notice in violation of New York Labor Law \$198(1-b), \$100 per week for failure to provide written statement in violation of New York Labor Law \$198(1-d)).

VII. Pre-trail interest

The midpoint of when plaintiff's damages became due I choose for the calculation is June 1, 2013. See N. Y.C.P. L.R. § 5001(b). The New York statutory interest rate is 9%. N.Y.C.P.L.R. § 5004. The pre-judgment interest owed is calculated to Feb 10, 2014, for the convenience of the Court; however, plaintiff requests that he be rewarded pre-judgment interest to the actual date of judgment.

The interest calculation is as follows:

I=d x r x n, where

I equals the pre-judgment interest due as of Feb 28, 2014,
d equals the total amount of damages owed (exclusive of liquidated damages)
r equals the New York statutory daily interest rate of 0.09/365, and
n equals the number of days that have passed between the midpoint of when the damages
because due (June 1, 2013) and Feb 28, 2014.

Therefore, Interest=\$464.73=(\$5,961.28+\$942.50)(minimum wage and overtime back-pay +spread of hours pay)x0.09/365x273(273 days from June 1, 2013 to Feb 28, 2014).

Adding I to VII, the total amount is

\$23,251.07=\$5,961.28+\$5,961.28+\$5,961.28+\$942.50+\$60+\$3,900+\$464.73

HANG & ASSOCIATES, PLLC

ATTORNEYS AT LAW 136-18 39th Avenue, Suite 1003 Flushing, New York 11354 Tel: (718) 353-8588 Fax: (718) 353-6288

February 10, 2014

Attn: Liang Huo

CONFIDENTIAL

For professional Services rendered through the period ending February 10, 2014: 000129-00001 General

09/06/13	J. Hang	Research on the various claims under federal and New York state wage and hour laws.	2.6	
09/08/13	J. Hang	Discuss with client about case facts and the Draft a verified complaint against various defendants.	5.9	
09/09/13	J. Hang	Revise the complaint.	1.1	
09/09/13	J. Hang	Prepare verification and Summons.	0.8	
09/09/13	J. Hang	Revise and arrange to file a complaint in the Eastern District of New York.	0.7	
10/01/13	J. Hang	Review affidavits of services and filed in the court.	0.5	
10/29/13	J. Hang	Review files, fill in scheduling order and sent requested files to the Court.	1.3	
12/20/13	J. Hang	Prepare a certificate of default judgment and file in the court.	1.5	
01/09/14	J. Hang	Revise and file a certificat of default.	0.3	
01/09/14	J. Hang	Review case and go to court for initial conference.	1.9	
01/30/14	J. Hang	Prepare Huo Ling's motion for default judgment, notice of motion, affirmation, memo of law in support of motion.	6.9	
02/09/14	J. Hang	Revise Huo Liang's moition for default judgment, finalize motion papers and file same in the court.	4.7	
		Total Hours		28.2
		Total For Services	S	9,870

ATTRONEY/PARALEGAL SUMMARY

ours Worked	Billed Per Hour	Bill Amount
2	350	9,870
	.2	Tally 11 Oliver

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Check Details

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BUSINESSSELECT CHKG (...3572)

Check Number: 1056

Post Date: 09/18/2013

Amount of Check: \$400.00

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HANG & ASSOCIATES, PLLC

CHASE O

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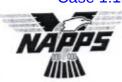
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P.O. BOX 570613 WHITESTONE, NY 11357

> Invoice No.: 0300003 September 22, 2013 Your File No.: 55555

JIAN HANG 136-20 38 TH AVE SUITE 9-E FLUSHING, ny 11354

Date Received: 9/17/2013 LIANG HUO Serve By Date: Plaintiff Petitioner Docket or ID #: CV13-6573 Caption: GO SUSHI GO 9 TH AVE INC, CHI HANG LEWING . TONY CHAN, JOHN DOE County: Queens Court: United States District GO SUSHI GO 9TH AVE INC . Re: Date Served: 9/19/2013 SUMMONS IN A CIVIL ACTION Served By: KENNETH BARNES Docs Place Served: 756 9TH AVE , NYC, NY 11791 Served Service Fee Fee Prepaid Service Description Date \$25.00 PURCHESS INDEX #CV- 13 6573 9/17/2013 \$35.00 SERVICE OF SUMMMONS 9/18/2013 Total Service Fees and Total Fees Prepaid: \$60.00 Total Amount Due = \$60.00 Terms: Remarks:

Please detach this lower portion and return it with your payment. Make checks payable to Frank Brodsky

JIAN HANG 136-20 38 TH AVE SUITE 9-E FLUSHING, ny 11354

> Invoice•Work Order # 0300003 Invoice Date: September 22, 2013 Attorney's ID# 54555

Total Amount Due = \$60.00

Amount Enclosed

All County Services P.O. Box 570613 Whitestone, New York, 11357